
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

EAGLE VIEW TECHNOLOGIES, INC., and
PICTOMETRY INTERNATIONAL CORP.,

Plaintiffs,

v.

NEARMAP US, INC.; NEARMAP
AUSTRALIA PTY LTD; and NEARMAP
LTD,

Defendants.

**THIRD AMENDED PATENT CASE
SCHEDULING ORDER**

Case No. 2:21-cv-00283

District Judge Ted Stewart

Magistrate Judge Daphne A. Oberg

Plaintiffs Eagle View Technologies, Inc. and Pictometry International Corp. (collectively, “EagleView”) has filed a motion to amend the scheduling order.¹ EagleView seeks to reopen discovery based on both parties’ recent filing of amended pleadings adding new claims and defenses. Defendants Nearmap US, Inc., Nearmap Australia Pty Ltd, and Nearmap Ltd (collectively, “Nearmap”) filed a response,² indicating they do not oppose reopening discovery but disputing some of the proposed deadlines. Nearmap also proposes a deadline for the parties to submit proposed amendments to the discovery limitations set forth in the prior scheduling order(s).

¹ (Doc. No. 317.)

² (Doc. No. 321.)

Having reviewed both parties' briefing and proposals, the court GRANTS EagleView's motion³ in part and ORDERS as follows:

1. For good cause shown, based on the recent filing of amended pleadings adding new claims and defenses, fact discovery is reopened beginning on the date of this order.
2. The case schedule is amended as set forth below.⁴ All deadlines and limitations not set forth herein remain unchanged.
3. The parties shall meet and confer regarding amendments to discovery limitations.

Any party seeking to amend discovery limitations based on the recent filing of amended pleadings shall file a motion to amend the scheduling order within ten days of this order.

Event	Deadline
Deadline for EagleView to serve initial infringement contentions for '648 and '657 Patents and final infringement contentions for '436, '840, and '376 Patents	August 11, 2023
Deadline for Nearmap to serve initial non-infringement, unenforceability, and invalidity contentions for '648 and '657 Patents and supplemental final non-infringement, unenforceability, and invalidity contentions for '436, '840, and '376 Patents and for '960, '568, '961, '737, '152, and '149 Patents as to the newly-accused CoreLogic SkyMeasure product	August 25, 2023
Deadline for EagleView to serve final infringement contentions for '648 and '657 Patents	October 4, 2023
Final date to seek stay pending post-grant proceedings in the Patent Office as to the new asserted patents	October 4, 2023
Deadline for Nearmap to serve final unenforceability and invalidity contentions for '648 and '657 Patents	October 18, 2023

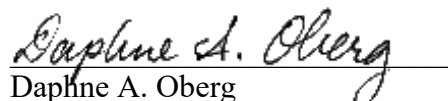
³ (Doc. No. 317.)

⁴ This schedule adopts, in large part, EagleView's shorter proposed timeline. However, this does not prevent any party from later seeking further extensions of these deadlines if warranted, based on a showing of good cause.

Event	Deadline
Deadline for Nearmap to serve final non-infringement contentions for '648 and '657 Patents	November 1, 2023
Deadline to serve written discovery before close of fact discovery	November 15, 2023
Parties exchange proposed claim terms and claim constructions	November 15, 2023
Deadline to reach agreement on submitting no more than ten terms for construction	November 22, 2023
Close of fact discovery before claim construction	December 15, 2023
Deadline to file opening cross-motions for claim construction and joint appendix; deadline to file dispositive motions required to be filed with claim construction	December 20, 2023
Deadline to file simultaneous responsive claim construction briefs; deadline to file opposition to dispositive motions filed with claim construction	January 17, 2024
Deadline to file joint claim construction chart and status report	January 24, 2024
Deadline to file reply to dispositive motions filed with claim construction	January 31, 2024
Deadline to submit technology tutorial to the court	January 31, 2024
Disclosure of intent to rely on opinions of counsel and materials in support	7 days after Claim Construction Order ("CCO") ⁵
Deadline to file motion for additional discovery; EagleView to file new proposed scheduling order for court to set trial deadlines by order or through a case management conference	14 days after CCO
Parties bearing burden of proof serve opening expert reports	28 days after CCO
Parties serve counter expert reports	56 days after CCO
Close of expert discovery	91 days after CCO
Deadline for filing partial or complete motions to exclude expert testimony	105 days after CCO
Deadline for filing dispositive or potentially dispositive motions	119 days after CCO

DATED this 13th day of July, 2023.

BY THE COURT:


Daphne A. Oberg
United States Magistrate Judge

⁵ In the event the court issues multiple claim construction orders, deadlines triggered by the claim construction order will be computed from the date of the last claim construction order.